



**QUALCOMM Incorporated**

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March 15, 2006

**Via ECFS**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

**Re: Oral Ex Parte Presentation in WT Docket No. 05-7**

Dear Ms. Dortch:

This is to report that yesterday, Gina Lombardi, President of QUALCOMM's MediaFLO USA, Inc. subsidiary, Larry Hartigan, Senior Vice President, Business Development, of MediaFLO USA, Inc., and I, along with Mark Wallace of the Akerman Senterfitt firm, met with Barry Ohlson, Legal Advisor to Commissioner Jonathan Adelstein to discuss the need for a prompt ruling on QUALCOMM's Petition for Declaratory Ruling in the above-captioned proceeding.

In the meeting, we discussed the continued progress that QUALCOMM is making in fulfilling its plan to launch MediaFLO this year. In particular, we discussed the fact that in addition to the prior announcement that Verizon Wireless will be the first carrier to offer MediaFLO commercial service, Sprint Nextel announced this week that they will conduct trials of MediaFLO. In addition, we informed Mr. Ohlson that we continue to make progress with handset vendors who are working on manufacturing wireless phones with the capability to receive MediaFLO service. However, we pointed out to Mr. Ohlson that we cannot complete the plans for the launch of MediaFLO until we can identify the markets in which the Commission will permit the service to be launched, which, in turn, depends upon whether QUALCOMM will be permitted to use the OET-69 methodology and the *de minimis* interference test proposed in QUALCOMM's Petition for Declaratory Ruling. As a result, we urged the prompt issuance of a ruling on QUALCOMM's Petition for Declaratory Ruling.

In addition, we pointed out to Mr. Ohlson that the Deficit Reduction Act of 2005 has become law and sets February 17, 2009 as the end of the DTV transition. As a result, any potential interference from MediaFLO to TV/DTV stations will, at most, occur for just over two years, at which point the TV/DTV stations will exit the relevant spectrum. We also pointed out that this temporary situation is further limited by the facts that no viewer who watches TV via cable

or satellite will suffer any interference from MediaFLO; no viewer who does not watch a particular affected station will suffer any interference from MediaFLO; and, no viewer who is outside of a confined geographic area will suffer any interference from MediaFLO. Thus, we pointed out that the potential interference from MediaFLO is highly limited—limited in time, limited in geographic scope, and limited in the possible impact.

Respectfully submitted,

/s/ Dean R. Brenner

Dean R. Brenner  
Vice President, Government Affairs

Cc: Barry Ohlson, Esq.